

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JEREMY DAVID,

Plaintiff,

vs.

DIERBERGS MARKET, INC.,

Defendant.

Case No. 12-cv-869-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on its own initiative for purposes of case management. Specifically, the Court questions whether it has jurisdiction over this matter.

Federal courts are courts of limited jurisdiction. They may exercise jurisdiction only over matters authorized by the Constitution and by statute. *Turner/Ozanne v. Hyman/Power*, 111 F.3d 1312, 1316 (7th Cir. 1997). Moreover, federal courts must police the boundaries of their own jurisdiction. Even absent an objection by a party challenging jurisdiction, they are “obliged to inquire *sua sponte* whenever a doubt arises as to the existence of federal jurisdiction.” *Tylka v. Gerber Prods. Co.*, 211 F.3d 445, 448-49 (7th Cir. 2000) (quoting *Mt. Healthy City Bd. of Educ. v. Doyle*, 429 U.S. 274, 278 (1977)). As such, this Court conducts a rigorous initial review of complaints to ensure that jurisdiction has been properly pled.

In its notice of removal (Doc. 3), Defendant Dierbergs Market, Inc., has invoked but not properly pled diversity of citizenship as a basis of federal jurisdiction. A defendant may remove to federal court a case filed in state court if the federal court would have had jurisdiction to hear the case when the plaintiff originally filed it. 28 U.S.C. § 1441(a); *Schur v. L.A. Weight Loss Ctrs., Inc.*, 577 F.3d 752, 758 (7th Cir. 2009). Federal courts have jurisdiction over a civil action between citizens of different states. 28 U.S.C. § 1332(a)(1) (2006). “For the purposes of [§

1332(c)] . . . , a corporation shall be deemed a citizen of any State by which it has been incorporated *and* of the State where it has its principal place of business.” *Se. Guar. Trust Co., Ltd. v. Rodman & Renshaw, Inc.*, 358 F. Supp. 1001, 1005-1006 (N.D. Ill. 1973) (emphasis added). “The party seeking removal has the burden of establishing federal jurisdiction, and federal courts should interpret the removal statute narrowly, resolving any doubt in favor of the plaintiff’s choice of forum in state court.” *Schur*, 577 F.3d at 758 (citing *Doe v. Allied- Signal, Inc.*, 985 F.2d 908, 911 (7th Cir. 1993)). Here, Defendant has asserted that it is a citizen of Missouri, but it has neither alleged its state of incorporation nor its principal place of business.

Accordingly, the Court **ORDERS** Defendant to file an amended notice of removal correcting these and *any other* jurisdictional defects by **August 20, 2012**. *See Tylka*, 211 F.3d at 448 (“[I]t is not the court’s obligation to lead counsel through a jurisdictional paint-by-numbers scheme.”). Should it fail to do so, the Court will dismiss this matter for lack of subject matter jurisdiction.

IT IS SO ORDERED.

DATE: August 14, 2012

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE